

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on April 04, 2006 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Fire Chief Bruce Grafton, Deputy Fire Chief Andy Adair, Police Chief Larry Metzelaars, Public Works Superintendent Chris Hartbank, and City Clerk Susan O'Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Commissioner McKenzie seconded by Mayor White moved to remove Council Decision Request 2006-591, ratifying the appointment of Barbara McKenzie to fill the unexpired term of Sheryl Homann Wayne through 04/30/2007, and the re-appointment of Phyllis Karpus and Cathy Hanner to the Festival Management Committee for terms expiring April 30, 2009 from the consent agenda and place first under new business.

Mayor White declared the motion carried by the following: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling move to approve the consent agenda as amended, consisting of minutes of the regular meeting March 21, 2006; payroll and bills for the last half of March; Council Decision Request 2006-589: ratifying the Mayor's appointment of Bernard DeBuhr, Kenneth Gagnon, and Robert Shamdin to the Revolving Loan Board for a two-year term expiring 04/30/2008; Council Decision Request 2006-590, ratifying the Mayor's appointment of Michael J. Ramage to the Zoning Board of Appeals for a four-year term expiring 04/30/2010; Resolution 2006-2643: declaring surplus property for May 6, 2006 auction to be conducted at 3121 Cedar (Old Garment Factory).

Bills and Payroll for the last half of March

General Fund

Payroll		\$	227,328.75
Bills		\$	34,815.50
	Total	\$	262,144.25

Hotel Tax Fund

Payroll		\$	740.00
Bills		\$	31,352.94
	Total	\$	32,092.94

Capital Project Fund

Bills		\$	8,881.60
	Total	\$	8,881.60

Water Fund

Payroll		\$	25,376.56
Bills		\$	23,077.99
	Total	\$	48,454.55

Sewer Fund

Payroll	\$	30,645.58
Bills	\$	<u>27,177.97</u>
Total	\$	57,823.55

Cemetery Fund

Payroll	\$	3,081.52
Bills	\$	<u>961.13</u>
Total	\$	4,042.65

Motor Fuel Tax Fund

Bills	\$	<u>9,627.31</u>
	\$	9,627.31

Health Insurance

Bills	\$	<u>77,494.48</u>
Total	\$	77,494.48

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-2643

**AN ORDINANCE DECLARING PERSONAL PROPERTY OWNED
BY THE MUNICIPALITY SURPLUS AND AUTHORIZING ITS SALE**

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Supplies and equipment identified on an exhibit to this ordinance are hereby declared surplus to the needs of the City of Mattoon.

Section 2. The Police Chief is authorized to offer surplus vehicles by sealed, competitive bids on an “as is” basis. Furthermore the City of Mattoon, Illinois does not express any warranty or imply any statement of condition in regard to these vehicles. Auctioneer Don Bauer will sell all other equipment declared surplus by this resolution at public auction on May 6, 2006 located at the corner of Cedar Street and 32nd Street (the former Garment Factory building) on terms acceptable to the City Attorney & Treasurer.

Section 3. The Mayor and City Clerk are hereby authorized to administratively sell and convey title to the property listed on the exhibits to this ordinance to the highest bidder without further formal consideration or approval by the City Council.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by _____ Mayor White _____, seconded by _____ Commissioner Schilling _____, adopted this
4th day of April, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissi oner Schilling,
Mayor White
 NAYS (Names): None
 ABSENT (Names): None

Approved this 4th day of April , 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 5 , 2006.

Mayor White declared the consent agenda motion carried by the following: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS:

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mayor White made a presentation of a Key to the City to Don Goss for his outstanding community service.

The Public Hearing on Proposed Land Exchange for consideration of an agreement whereby the City would exchange farm property for the real estate south of the YMCA was opened by City Attorney/Treasurer Owen at 7:05 p.m. Commissioner Ervin stated the reason for the exchange as the YMCA's need for expansion, explained an appraisal of approximately \$430,000 - \$440,000 for the Whitworth property and \$330,000 for the farmland, described the power lines over the property, expressed a need for contiguous property providing for future expansion and long-term growth of the YMCA, and noted a good exchange of farm income for retaining the YMCA downtown as the preferred location of citizens. Mr. John French spoke against the land exchange, suggesting alternatives of having two independent appraisals, exchange the land contingent on referendum approval, or use farm income as collateral on a loan. Mr. Gene Baker spoke against the land exchange, suggesting the City to consider a different area of farmland for an exchange. Mr. Jerry Groniger spoke against the land exchange, suggested the Council request additional appraisals, consider the easements of the power lines, auction the farmland, note previous land exchange for the same property, acknowledge no plans from the YMCA on expansion, or consider other nearby properties. Mr. John French added the new interchange property was \$4,200 per acre. No other comments were made from the public or Council. Attorney/Treasurer Owen closed the public hearing at 7:25 p.m.

Commissioner Schilling opened discussion on a draft document establishing the Lake Paradise covenants. Attorney/Treasurer Owen stated there were no final decisions for consideration this evening. Attorney/Treasurer Owen wanted to present an idea of the covenants for public inspection, and requested input from the public directed to Attorney/Treasurer Owen or Commissioner Schilling. [Public Works Director David Wortman arrived at 7:26 p.m.]

NEW BUSINESS:

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-591, ratifying the appointment of Barbara McKenzie to fill the unexpired term of Sheryl Homann Wayne through 04/30/2007, and the re-appointment of Phyllis Karpus and Cathy Hanner to the Festival Management Committee for terms expiring April 30, 2009.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Abstain Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Special Ordinance 2006-1113, approving an interest rate and terms

for a \$138,000 loan from the Revolving Loan Fund to Anamet Electrical, Inc. to assist with the installation of a new industrial grade building roof.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1113 (Substitute)

AN ORDINANCE APPROVING AN INTEREST RATE AND TERMS FOR A \$138,000 LOAN FROM THE REVOLVING LOAN FUND TO ANAMET ELECTRICAL, INC. TO ASSIST WITH THE INSTALLATION OF A NEW INDUSTRIAL GRADE BUILDING ROOF

WHEREAS, the City of Mattoon has a Community Development Assistance Program (CDAP) Revolving Loan (RLF) Program, and,

WHEREAS, Anamet Electrical, Inc. have submitted a Revolving Loan Fund (RLF) Application for RLF funds in the amount of one-hundred thirty-eight thousand dollars (\$138,000) for the installation of a new industrial grade building roof for its Mattoon, Illinois facility, and,

WHEREAS, the Mattoon Revolving Loan (RLF) Committee has reviewed said RLF Application and recommends City Council approval in accordance with applicable Federal, State and Local guidelines and subject to certain conditions,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. That the City Council hereby approves the Anamet Electrical, Inc. RLF loan request in the amount of one-hundred thirty-eight thousand dollars (\$138,000) for a fixed annual interest rate of 3% for a term of fifteen (15) years for installation of a new industrial grade building roof at its Mattoon, Illinois facility.

Section 2. The Municipal Clerk is hereby directed to file a certified copy of this ordinance in the City Revolving Loan File.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 4th day of April, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u>
	<u>Commissioner McKenzie, Commissioner Schilling,</u>
	<u>Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 4th day of April, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 5, 2006.

Attachment (1)

Report from the Administrator of the Revolving Loan Fund

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-592, reporting bids received and authorizing the \$12,226.71 procurement from Central Illinois Coatings, Inc. to refinish the floor area in the prisoner process area (booking room) of the Police Building.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Schilling moved to approve Council Decision Request 2006-593, rejecting bids for Street Maintenance MFT Oil & Chip, and authorizing the Public Works Director to re-bid the same.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Cline moved to approve Council Decision Request 2006-594, awarding bids for MFT Street Maintenance (Crushed Stone, Aggregate Surface Course, Joint Sealant (material only), and PC Concrete Material).

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-595, awarding the bid for water treatment chemicals of the Water Treatment Plant.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2006-1114, authorizing the sale of surplus real estate owned by the municipality at Lake Mattoon to John G. Scholes with corrections in the description of 0.142 acres and 6,200 square feet.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1114

AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL ESTATE OWNED BY THE MUNICIPALITY AT LAKE MATTOON TO JOHN G. SCHOLES

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a

price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2640, adopted March 7, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Mr. John G. Scholes has made a written offer to purchase the property for \$3,100; and

WHEREAS, Mr. Scholes owns the adjacent property and his is the only property capable of providing access to property being sold; and

WHEREAS, Ronald C. Rardin of Ealy's Appraisals determined \$3,100 was the fair market value of the real estate as of February 17, 2006.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to John G. Scholes, subject to a \$3,100. The purchase price will be due at closing. The City of Mattoon shall assume financial responsibility for the costs of a \$3,100 title insurance policy issued by Crites Title Company that will insure Buyer that the municipality has sufficient title to sell this real property;

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Beginning at the northeast corner of Lot Thirteen (13) of Lockhart's Subdivision, Neoga Township, Cumberland County, Illinois; thence North 88 degrees 20 minutes 00 seconds West (assumed bearing) along the north line of said Lot Thirteen (13) a distance of 140.25 feet; thence North 61 degrees 35 minutes 36 seconds East a distance of 48.07 feet; thence North 13 degrees 37 minutes 22 seconds East a distance of 21.44 feet; thence North 80 degrees 36 minutes 24 seconds East a distance of 109.85 feet to the extension of the east line of said Lot Thirteen (13); thence South 13 degrees 17 minutes 00 seconds West along said east line extended a distance of 67.52 feet to the place of beginning, situated in Neoga Township, Cumberland County Illinois and containing 0.142 Acres (6200 sq ft) more or less.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by _____ Commissioner Schilling _____, seconded by _____ Commissioner Ervin _____, adopted this 4th day of April, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Commissioner Schilling,</u> <u>Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 4th day of April, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 5, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Resolution 2006-2644, declaring that a certain parcel of land near Lake Paradise is no longer necessary or required for use of the municipality and authorizing the management staff to negotiate for a contract proposal to sell this parcel. (*Michael & Mary Pluta, current owners of a home on leased premises at Lot 99, Lake Paradise Subdivision.*

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2006-2644

A RESOLUTION DECLARING THAT A CERTAIN PARCEL OF LAND NEAR LAKE PARADISE IS NO LONGER NECESSARY OR REQUIRED FOR USE OF THE MUNICIPALITY AND AUTHORIZING THE MANAGEMENT STAFF TO NEGOTIATE FOR A CONTRACT PROPOSAL TO SELL THIS PARCEL

WHEREAS, in the 1980's the City of Mattoon purchased agricultural land adjacent to Lake Paradise for future development; and

WHEREAS, after the purchase of the agricultural land, the City of Mattoon maintained ownership over the property and has continued to use the same for agricultural purposes; and

WHEREAS, the parcel described below is small part of that agricultural property; and

WHEREAS, by Council Decision Request 2005 – 505 the City Council has authorized staff to initiate procedures to enable the sale this parcel; and

WHEREAS, there has been a survey and appraisal of this tract and those are attached hereto and incorporated herein by this reference; and

WHEREAS, the adjacent leaseholder, Michael and Mary Pat Pluta desire to acquire a fee simple interest in said real estate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the following described real estate near Lake Paradise is no longer necessary or required for the use of the municipality.

A part of the Southeast Quarter of the Northeast Quarter of Section 8, Township 11 North, Range 7 East of the Third Principal Meridian, more particularly described as follows:

Beginning at an iron pin with #3140 cap marking the southeast corner of Lot 99 of Lake Paradise Subdivision as recorded August 19, 2005 in Plat Book 5, Page 204, as Document Number 0683152 at the Coles County Clerk and Recorder's Office; thence azimuth 181 degrees 05 minutes 11 seconds (azimuths based on Illinois State Plane coordinates East Zone), 163.53 feet to an iron pin with #3140 cap; thence azimuth 269 degrees 36 minutes 37 seconds, 248.53 feet to an iron pin with #3140 cap; thence azimuth 0 degrees 46 minutes 21 seconds, 197.78 feet to and iron pin with #3140 cap in

the south line of said Lake Paradise Subdivision; thence azimuth 89 degrees 36 minutes 37 seconds along said south line, 127.67 feet to an iron pin with #3140 cap in the west line of said Lot 99; thence azimuth 182 degrees 43 minutes 58 seconds along said west line, 19.50 feet to and iron pin with #3140 cap and the southwest corner of said Lot 99; thence azimuth 96 degrees 31 minutes 05 seconds along the south line of said Lot 99 a distance of 123.01 feet to the Point of Beginning, containing 1.329 acres, more or less, all situated in Paradise Township, Coles County, Illinois.

Section 2. The real estate described in this Resolution is in the unincorporated territory of Coles County, where no zoning has been established. Its fair market value has been determined to be \$16,600 by a written appraisal prepared by a licensed real estate appraiser that is available for public inspection.

Section 3. The management staff of the municipality is hereby authorized to negotiate for a contract proposal to sell said real. Any such contract negotiated shall be subject to ratification by the City Council.

Section 4. The city clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 4th day of April, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White
NAYS (Names): None
ABSENT (Names): None

Approved this 4th day of April, 2006.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 04-05, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Resolution 2006-2645, authorizing a \$300,000 agreement with Paradise Township transferring jurisdiction for maintenance of roads in Lake Paradise Subdivision from the Mattoon Public Works Department to the Paradise Township Road Commissioner, contingent upon Paradise Township ratification.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2006-2645

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN AN INTERGOVERNMENTAL AGREEMENT FOR THE JURISDICTIONAL TRANSFER OF EAST LAKE PARADISE ROAD TO PARADISE TOWNSHIP

WHEREAS, the City is the owner of East Lake Paradise Road as shown on the final plat of Lake Paradise Subdivision, Coles County, Illinois; and

WHEREAS, the City has requested that the Paradise Township Road Commissioner accept a dedication of East Lake Paradise Road for future maintenance and improvement; and

WHEREAS, Paradise Township will receive an increased allocation of state shared motor fuel tax revenues when it assumes jurisdiction for maintenance of additional road miles; and

WHEREAS, the Township is willing to accept a dedication of East Lake Paradise Road for future maintenance and improvement on terms prescribed in a certain Intergovernmental Agreement, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, it is in the best interest of the City of Mattoon if the future financial burden of maintaining this road is transferred to Paradise Township.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. A finding is hereby made by the City Council that it is in the best interest of the City of Mattoon that the future financial burden of maintaining this road be transferred to Paradise Township

Section 2. A finding is hereby made that the terms and conditions of the attached Intergovernmental Agreement are fair and just to both parties and it is in the best interest of the City of Mattoon to enter into this agreement.

Section 3. This resolution shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This resolution shall be effective upon its approval and the approval of the attached Intergovernmental Agreement by the Board of Trustees and the Township Road Commissioner of Paradise Township.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 4th day of April, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
 Commissioner McKenzie, Commissioner Schilling,
 Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of April, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 04-05, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2006-596, approving the appointment of Angelia Burgett as Tourism Director with an annual salary of \$35,000 effective April 24, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2006-597, authorizing the Fire Chief to submit an application for a U.S. Department of Homeland Security Assistance to Firefighters Grant for the purchase of replacement turn-out gear. *This grant would require 5% matching funds from the City of Mattoon, where these funds would be appropriated in the 2006-2007 fiscal year budget.* Commissioner Ervin stated the turn-out gear was to be purchased, so the grant would be beneficial.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner McKenzie moved adopt Ordinance: 2006-5216, approving the amendment to Chapter 99 of the municipal code of ordinances, "The Mattoon Tree Ordinance".

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2006-5216

AN ORDINANCE UPDATING THE MUNICIPAL CODE PERTAINING TO THE MAINTENANCE AND CONTROL OF TREES ON PUBLIC PROPERTY

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, believes that it is in the best interest of citizens of the City of Mattoon to change the current regulations concerning the maintenance and control of trees on city owned property within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS as follows:

SECTION 1. Sections §99.70 through, and including, §99.77 of Chapter 99 of the Code of Ordinances of the City of Mattoon are hereby repealed in their entirety and reenacted by the following Sections as follows:

§ 99.70 SHORT TITLE.

This subchapter shall be known as the "Mattoon Tree Ordinance."

§ 99.71 PURPOSE AND INTENT.

(A) Purpose. It is the purpose of this subchapter to promote and protect the public health, safety, and general welfare by providing for a Tree Commission.

(B) Intent. It is the intent of the City Council that the terms of this subchapter shall be construed so as to promote:

- (1) The planting, maintenance, and survival of desirable trees and other plants on public property within the city; and
- (2) To protect the public health, safety and general welfare which may be affected by improper planting, maintenance, or removal of trees or other plants located on public property within the city.

§ 99.72 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PROPERTY. All property within the corporate limits of the city which is owned by the city, or is dedicated to the public for present or future use.

OTHER PLANTS. All other vegetation not meeting the definition of a tree, except for lawn, grass, and flowers of less than 24 inches in height.

TOP CUT. The cutting of the vertical stem (leader) and upper primary limbs on mature trees to stubs at a uniform height. Top cutting is also referred to as heading, stubbing, or dehorning.

TREE. A woody plant having one main trunk and having a diameter at breast height (DBH) of two inches or more.

TREE CONTRACTOR. An individual or company annually certified by the city to do tree maintenance on trees on public property within the city limits.

§ 99.73 TREE COMMISSION.

(A) The Mattoon Tree Commission shall consist of property owners who reside within the city. The members of the Tree Commission shall be appointed by the Public Works Commissioner with the approval of the City Council.

(B) The Tree Commission shall have the following duties:

- (1) To recommend and advise the Public Works Commissioner and the City Council with respect to standards to be adopted for the maintenance and care of trees and other plants on public property within the city; and
- (2) To recommend and advise the Public Works Commissioner and the City Council with respect to all other things necessary to carry out the policy as adopted by the City Council for the city regarding the care and management of trees and other plants.
- (3)

§ 99.74 STANDARDS ADOPTED.

The following standards are adopted by the City Council and are incorporated herein by reference:

- (A) City Tree Care Manual and any amendments thereto.
- (B)

§ 99.75 VIOLATIONS.

The following are hereby declared to be a violation of this subchapter:

- (1) To place a tree on public property within the city without a permit;
- (2) To intentionally damage or destroy a tree growing on public property within the city;
- (3) For any person not certified by the city as a Tree Contractor to trim a tree higher than ten feet above the ground or greater than two inches in diameter on public property within the city;
- (4) For any person not certified by the city as a Tree Contractor to remove a tree on public property within the city;
- (5) To top cut a tree on public property within the city; or
- (6) To attach any foreign object, including but not limited to, ropes, wires, nails, signs, or posters to any tree or other plant on public property within the city.

§ 99.76 PERMITS REQUIRED.

(A) A no-charge permit must be obtained from the Public Works Office to make any changes to trees on city owned property. The permit will be approved, altered, or denied by the Public Works Director or his/her designee within five working days.

(B) Activities requiring a permit include:

- (1) The planting on public property within the city an approved tree or other plant from the City Tree List located in the tree care manual. The size and species must be also approved;
- (2) The trimming at a height greater than ten feet above the ground or greater than two inches in diameter of a tree on public property within the city;

(3) The removal of any tree or other plant on public property within the city.

(B) Exemptions from permits in time of emergencies. Personnel employed by the city, county, state, or public utility, are hereby exempt from the permit requirements in the event that work otherwise requiring a permit needs to be accomplished to meet a bona fide emergency.

(C) A permit will not be required for the removal of limbs or branches that obstruct normal passage on City sidewalks or roadways. A maximum clearance height of ten feet above a sidewalk and thirteen feet above a roadway is allowed without a permit.

§ 99.77 NUISANCE TREE REMOVAL.

(A) A tree on public property within the city that is on the nuisance species list below may be removed at the adjacent landowner's expense, provided that the landowner will allow the city to replace the tree at the City's expense.

(B) The nuisance species list includes:

- (1) Sweet gum (*Liquidambar styraciflua*); and
- (2) Ginkgo (*Ginkgo biloba*) (female of the species).

(C) Other trees which are not on the nuisance species list may be removed if they are determined to be a nuisance by the Public Works Director or his/her designee.

(D)

§ 99.78 TREE CONTRACTOR CERTIFICATION.

A tree contractor desiring to do work that requires a permit as defined in this subchapter shall be certified by the City of Mattoon.

(A) To become certified the person must be:

- (1) a certified arborist by the International Society of Arboriculture; or
- (2) a certified tree specialist by the Tree Care Industry Association; or
- (3) certified by the City of Mattoon in a process where the person watches an instructional video and passes a written examination.

(B) Any person desiring to engage in the business of tree contracting work on public property within the City of Mattoon shall make a written application for a certificate of registration on forms provided by the City Clerk. The application must contain the name, address and phone number of the business and all supervisors' names and phone numbers. Proof of either certification with an organization listed in Section A above or a passing grade on the city tree exam will be required. The application shall be filed with the City Clerk together with the sum of fifty (\$50.00) dollars. The certification shall expire December 31st of each year.

(C) A certificate of insurance shall be provided giving evidence that the person desiring certification as a tree contractor has insurance coverage, which lists the City of Mattoon as additionally insured, in limits not less than \$1 million per occurrence, covering personal injury, death and property damage exposures.

(D) All permitted work sites must have a certified tree contractor present while work is being done.

§ 99.79 PENALTY

Whoever violates any provision of this tree ordinance shall be subject to a fine equal to at least the City's cost to correct the violation. The fine will be determined by the: removal cost of the tree, replacement cost of the tree, and value of the tree.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner McKenzie, adopted this 4th day of April, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): :None

Approved this 4th day of April, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien

APPROVED AS TO FORM:
/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 04-05, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-598, approving the appointments of Jeffrey D. Standard, John W. Hedges III, and Jeffrey P. Wines to regular employment status on successful completion of their one-year probationary period retroactive to March 21st, 23rd, and 24th, 2006 respectively.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Mayor White moved to adopt Resolution 2006-2646, prescribing contributions required of Employees and Retirees who elect to participate in the group health, dental, and life insurance plan of the municipality.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2006-2646

A RESOLUTION ESTABLISHING CONTRIBUTIONS REQUIRED OF EMPLOYEES AND RETIREES WHO ELECT TO PARTICIPATE IN THE CITY OF MATTOON'S GROUP HEALTH, DENTAL AND LIFE INSURANCE PLANS

WHEREAS, the City of Mattoon is subject to three collective bargaining agreements which prescribe that employees shall pay 15% of the cost of the health insurance plan by payroll deduction beginning with the first paycheck of May after the cost for the preceding calendar year are disclosed by the Employer's health insurance administrator; and

WHEREAS, actual costs for stop loss insurance, fees, medical, prescription and dental claim expenditures for calendar year 2005 were \$449.31 per month for single coverage and \$586.29 per month for family coverage, as reported by PersonalCare of Illinois and Delta Dental of Illinois, the Employer's health and dental insurance plan administrators; and

WHEREAS, State statutes do not presently require a municipality to pay any portion of the cost of post employment benefits for retired employees; and

WHEREAS, the City began to require retired employees, whose pensions are more than \$1,625 per month, to contribute a higher share of the cost of the health insurance plan by Resolution 2004-2548 adopted April 6, 2004; and

WHEREAS, bids were sought for group life insurance and coverage was bound with the low bidder, EMC National Life Company for a three-year term effective May 1, 2005 by Council Decision Request 2005-428 approved the same date of this resolution; and

WHEREAS, the time is now appropriate to prescribe contributions required of employees and retirees for the health and life insurance plans for the 2006/2007 fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The following tables prescribe contributions required of eligible employees and retirees who elect to participate in the City of Mattoon's group health insurance plan.

Eligible Employees & Retirees Whose Pensions Are \$1,625 Or Less Per Month

	Total Monthly Cost	Employer Share 85%	Employee Share 15%
Single Coverage	\$ 449.31	\$ 381.91	\$ 67.40
Family Coverage	\$ 586.29	\$ 498.35	\$ 87.94

Eligible Retirees Whose Pensions Are More Than \$1,625 Per Month

	Total Monthly Cost	Employer Share 80%	Retiree Share 20%
Single Coverage	\$ 449.31	\$ 359.45	\$ 89.86
Family Coverage	\$ 586.29	\$ 469.03	\$ 117.26

Section 2. Retirees, who are currently enrolled, may participate in the City of Mattoon's group term life insurance plan by monthly withholdings from pensions, whether paid by the Illinois Municipal Retirement Fund, the Firefighters Pension Fund or the Police Pension Fund. The retiree contribution for life insurance shall be \$6.70 per month.

Section 3. Employee and retiree contributions adopted by this resolution shall become effective May 1, 2006.

Section 4. All contributions for payment of health and life insurance shall be deducted directly on a monthly basis from the pension benefits received by the retiree. The only exception to the direct deduction rule shall be when the IMRF rules and regulations do not allow for said direct deduction.

Upon motion by Commissioner Cline, seconded by Mayor White , adopted this 4th day of April , 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White
 NAYS (Names): None
 ABSENT (Names): None

Approved this 4th day of April , 2006.

/s/ Charles E. White
 Charles E. White, Mayor
 City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:
/s/ Susan J. O'Brien /s/ J. Preston Owen
 Susan O'Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 04-05 , 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Abstain Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to recess to closed session at 7:38 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); or litigation affecting or on behalf of the City of Mattoon (5 ILCS 120(2)(c)(11)); and collective negotiating matters of the municipality (5 ILCS 120(2)(c)(2)).

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 8:26 p.m.

Council with input from Administrator Gilmore and Attorney/Treasurer Owen discussed the status of the budgets, water user rates, utility policy and collections, and storm water use fees.

Mayor White seconded by Commissioner Schilling moved to adjourned at 8:32 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/Susan J. O'Brien

City Clerk